

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CHARLES E. WASHINGTON,

Plaintiff,

20 **CIVIL** 911 (VB)

-against-

JUDGMENT

CORRECTION OFFICER T. FITZPATRICK,
CORRECTION OFFICER SAIN CLAIR,
SERGEANT SHERIDAN, LIEUTENANT
JORDAN, and COLONEL SIPPLE,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order of Dismissal dated June 3, 2021, On March 15, 2021, the Court issued an Opinion and Order granting defendants' motion to dismiss and granting plaintiff leave to file an amended complaint by May 17, 2021, the Court informed plaintiff in bold and underlined typeface that if plaintiff failed to file an amended complaint or seek additional time to do so by May 17, 2021, the Court would deem plaintiff to have abandoned this case, would direct the Clerk to enter Judgment in defendants' favor, and close the case. To date, plaintiff has not filed an amended complaint or sought an extension of time to file an amended complaint. Moreover, the New York State Department of Corrections and Community Supervision inmate look-up still indicates plaintiff is incarcerated at Shawangunk Correctional Facility. The Court has not received any return mail or other indication that plaintiff has not received its March 15, 2021, Order and attachments. As a result, the Court concludes plaintiff has abandoned this case. Accordingly, having considered all of the factors set forth in Lucas v. Miles, 84 F.3d 532 (2d Cir. 1996), the Court dismisses this case with prejudice for failure to prosecute and failure to comply

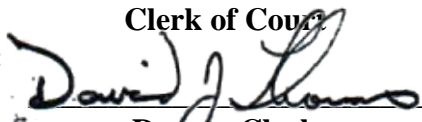
with Court orders. Fed. R. Civ. P. 41(b). The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal.

Dated: New York, New York
June 4, 2021

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk